

Moffa, Victoria

From: Jun Zheng <Jun_Zheng@txwd.uscourts.gov>
Sent: Monday, May 17, 2021 6:55 PM
To: David Whittlesey; Larsen, Charles; crowland@omm.com; vowell@fsclaw.com; Wang, Don Zhenan; Lamberson, Jonathan; Songer, Michael; nwhilt@omm.com; ryagura@omm.com; john.guaragna@dlapiper.com; Matthew.Satchwell@dlapiper.com; Paul.Steadman@dlapiper.com; robert.groselak@us.dlapiper.com; sangwon.sung@us.dlapiper.com; stephanie.lim@us.dlapiper.com; lewis@hudnelllaw.com; Ahmed ElDessouki; Daniel Chozick; Eric Lucas; Mark Hannemann; Thomas Makin
Subject: RE: StratosAudio cases (6-20-cv-01125, -1126, -1128, -1129, -1131)

David,

The Court is in trial this week and will not hold a hearing for the issue listed below. The Court will not stay the cases pending rulings on the motions to dismiss/transfer. Pursuant to the Court's Standing Order Regarding Motion(s) for Inter-District Transfer, the Court will rule on these motions before Markman hearing.

-Jun

Jun Zheng

Law Clerk to the Honorable Alan D Albright
United States District Court, Western District of Texas

From: David Whittlesey <David.Whittlesey@Shearman.com>
Sent: Monday, May 17, 2021 12:53 PM
To: Jun Zheng <Jun_Zheng@txwd.uscourts.gov>; charles.larsen@whitecase.com; crowland@omm.com; vowell@fsclaw.com; don.zhenan.wang@whitecase.com; lamberson@whitecase.com; michael.songer@whitecase.com; nwhilt@omm.com; ryagura@omm.com; john.guaragna@dlapiper.com; Matthew.Satchwell@dlapiper.com; Paul.Steadman@dlapiper.com; robert.groselak@us.dlapiper.com; sangwon.sung@us.dlapiper.com; stephanie.lim@us.dlapiper.com; lewis@hudnelllaw.com; Ahmed ElDessouki <Ahmed.ElDessouki@Shearman.com>; Daniel Chozick <Daniel.Chozick@Shearman.com>; Eric Lucas <Eric.Lucas@Shearman.com>; Mark Hannemann <Mark.Hannemann@Shearman.com>; Thomas Makin <Thomas.Makin@Shearman.com>
Subject: Re: StratosAudio cases (6-20-cv-01125, -1126, -1128, -1129, -1131)

CAUTION - EXTERNAL:

Jun:

In furtherance of my call last week regarding a request by certain defendants for a short telephone conference with the Court, please see below the respective positions of the parties relating to the issue in dispute.

We look forward to hearing back from you with regard to whether Judge Albright is amenable to a telephone conference to address this issue.

Thank you for your courtesies.

StratosAudio Exhibit 2003

POSITIONS OF THE PARTIES:

Heard in re: StratosAudio

Defendants Volkswagen and Hyundai believe that this litigation should not go forward in this Court unless their respective motions to dismiss for improper venue are denied. Volkswagen and Hyundai respectfully request the Court's guidance on when the Court anticipates ruling on those motions.

Plaintiffs oppose any effort to stay these cases pending the outcome of venue motions filed by only 2 of the 5 named defendants. Even if the Court determines the cases against Volkswagen and Hyundai must be filed in different jurisdictions (an outcome Plaintiffs see as unlikely), the parties' work on invalidity and claim construction will directly transfer to any new actions. The meaning of the claims and the scope of the prior art will not change in a different jurisdiction. Indeed, Volkswagen has already filed IPR proceedings on all the patents asserted against it, so its analysis of invalidity and claim construction is likely complete or at least nearly so. Plaintiffs suggest the parties follow the Court's guidance in its Standing Order Regarding Motion(s) for Inter-District Transfer and provide the Court with notice should the venue motions remain outstanding six weeks prior to the date of the Markman hearing. Otherwise the cases should proceed pursuant to the Court's default schedule.

Volvo, Mazda, and Subaru's position is this: The Volvo, Mazda, and Subaru cases are related to the Hyundai and Volkswagen cases and the Court has entered the same initial schedule in these cases. Thus, although Volvo, Mazda, and Subaru have not filed motions to dismiss for improper venue, to the extent that the Court determines that discovery and other litigation activities in the Hyundai and Volkswagen cases should not go forward before resolution of the pending motions to dismiss in those cases, Volvo, Mazda, and Subaru respectfully request that the Court determine that discovery and other litigation activities not go forward in their respective cases as well.

David Whittlesey
Partner

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On May 4, 2021 at 5:05:38 PM CDT, Jun Zheng <Jun_Zheng@txwd.uscourts.gov> wrote:

Counsel,

The Court has reviewed the parties' CRSRs. Since there is no pre-Markman issues, the Court will not hold a CMC for these cases.

Please file a joint proposed scheduling order based on the latest OGP (version 3.3) using the following dates:

1. CMC: Deemed to have occurred on 5/13/2021 (Plaintiff shall also have until this date to serve its preliminary infringement contentions)
2. Markman: 10/4/2021 at 9:30 (1.5 hours)
3. Estimated trial date: 10/3/2022

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Hyundai vs. StratosAudio

-Jun



Jun Zheng

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United States District Court, Western District of Texas
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